

Application No. 10/083,905  
Amendment dated March 31, 2004  
Reply to Office Action of October 03, 2003

Attorney Docket No. 72928

**REMARKS/ARGUMENTS**

Claims 6-9 were present for examination and all have been amended by the present amendment. All claims stand rejected under 35 U.S.C. 102 as anticipated by Seidel et al., U.S. Patent 4,701,684.

Applicant's independent claims 6 and 8 have been amended to show that temperature is detected and estimated temperatures are computed based on motor operation and elapsed time. Figures 7A and 7B of the application and the description from page 17, line 13 to page 18, line 27 provide an embodiment of the claimed subject matter. The MOTOR TEMPERATURE variable is initially set in non-volatile memory in a step 312 (Fig. 5A) based on measured temperature. Thereafter the MOTOR TEMPERATURE variable is controlled by the controller function represented in Figs. 7A and 7B which is entered every .5 msec. In the Fig. 7A and 7B function the motor is periodically checked to identify whether it is on, off or on and stalled. Based on temperature and the motor operation detected MOTOR TEMPERATURE is estimated in blocks 558, 560 and 562.

No such estimation of MOTOR TEMPERATURE based on motor operation and time is taught or suggested by Seidel et al. which measures only the temperature of a motor controlling semiconductor or of a power sensing resistor. Accordingly, Seidel et al. does not teach or suggest all of the limitations of claims 6 and 8 and the rejection of these claims under 35 U.S.C. 102 is traversed. Claims 7 and 9 which depend from claims 6 and 8 respectfully are asserted to be allowable due to their dependence on allowable base claims.

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The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135.

Respectfully requested,

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